

NEWINGTON TOWN PLAN AND ZONING COMMISSION

May 11, 2011

Regular Meeting

Chairman David Pruet called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in the Town Council Chambers at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Camerota
Commissioner Hall
Commissioner Pane
Chairman Pruet
Commissioner Aieta
Commissioner Lenares

Commissioners Absent

Commissioner Casasanta
Commissioner Schatz
Commissioner Turco

Staff Present

Ed Meehan, Town Planner

Commissioner Lenares was seated for Commissioner Schatz and Commissioner Aieta was seated for Commissioner Casasanta.

II. PUBLIC HEARINGS

- A. PETITION 14-11 – Newington Town Plan and Zoning Commission, applicant 131 Cedar Street, Newington Connecticut request for zone regulation amendments Section 6.2.1 (E) digital time and temperature, and fuel product display signs and Section 9 Definition : Sign, Mechanical and Digital Continued from April 27, 2011.**

Chairman Pruet: Ed, you had some revisions on this, if you could go over that for us please?

Ed Meehan: Since the Commission's last public hearing on April 27th, the language that is included in bold italics, and we have that copy available to the public, and the language that was discussed by the Commission would also include a prohibition against signs located inside the window, visible to the public. These are signs that are rotating, flashing, scrolling type of signs.

Chairman Pruet: Okay, you have that in front of you. Any Commissioner comments on this?

Commissioner Pane: Thank you Mr. Chairman. The last meeting we talked about that this doesn't include Open signs. Should we install that somewhere in here, so that it is clear and make sure that flashing open signs would not because it covers flashing, but the open signs,

we are not talking about that. I'm wondering if we should have that in there somewhere. And then my next question would be, we talked about some of the liquor stores that have a hundred percent of their windows covered with signage. Should we talk about this as a Commission to see if we want to include that in this section, whether or not a percentage can have signage provided they have enough sign allocation, I don't know how everyone feels about it. Thank you.

Chairman Pruet: Okay, open for discussion, Commissioner comments?

Commissioner Camerota: Domenic has a good point, I understand where he is coming from but I think (inaudible) and then on his second point, I think that might be better for discussion, for another sign area.

Commissioner Pane: We can talk about it, but maybe it should be in another section?

Commissioner Camerota: Yes.

Commissioner Aieta: Most of the time, these signs are not flashing, rotating signs, not neon signs, they aren't mechanical.

Chairman Pruet: Okay, any further comments on this? What is the pleasure of the Commission on.... I'm sorry, anyone from the public wishing to speak on this petition, either in favor or against it? Seeing none, what is the pleasure of the Commission on this?

Commissioner Anest: I think we discussed this for quite some time and that we are all satisfied with the language that Ed has prepared for us and I would like to see this come to a vote.

Commissioner Aieta: I think we have (inaudible)

Chairman Pruet: Okay, I will entertain that as a form of a motion, seconded by Commissioner Aieta.

The vote was unanimously in favor of the motion, with seven voting YES.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None

IV. **MINUTES**

April 27, 2011 – Regular Meeting

Commissioner Camerota moved to accept the minutes of the April 27, 2011 meeting. The motion was seconded by Commissioner Hall. The vote was in favor of the motion with six voting YES and one abstention (Anest).

V. **COMMUNICATIONS AND REPORTS**

Ed Meehan: I have one communication that I want to call to the Commission's attention. The Town Council has begun discussion of the property maintenance ordinance, known as the

blighted ordinance. They had a draft before them last night, and I will stay abreast of that and if you would like a referral of that, I can make copies of what the draft is.

Chairman Pruet: Yes, we would definitely like to discuss it at this level, and get our input. Any other reports Ed?

Ed Meehan: I'll cover the rest under Staff.

Chairman Pruet: Okay, good.

VI. NEW BUSINESS

A. PETITION 10-11 – 151 Rockwell Road Curley Properties LLC owner and applicant request site plan modification to add 9,375 square feet for warehouse space use, contact Alan Bongiovanni BGI Land Surveyors 170 Pane Road Newington, PD Zone District. (Note: Review and Approval by Newington Development Commission required.)

Alan Bongiovanni: Good evening Mr. Chairman, Members of the Commission, Staff, for the record, my name is Alan Bongiovanni, 170 Pane Road here in Newington and I am representing Curley Properties, the Curley family and their business, their property located at 151 Rockwell Road Hudson Seating and Mobility, Hudson Home Health Care. It's in the Newington Industrial Park, it's at the north end of Rockwell Road on the west side of the cul-de-sac. It's a facility that was built in I think '84 or '85 as originally Action Windows. Some ten or so years ago the Curley family purchased it for the Hudson Home Health Care business and now they are looking to expand the warehouse portion of the site. The property is about 3.75 acres in the PD zone, part of the Industrial Park. I will add that the Town Planner, Ed Meehan did bring this before the Newington Industrial Park Commission and this expansion has been approved by them. Having said that, the existing facility is 24,000 square feet, about 17,000 square feet of offices and 7,000 square feet of warehouse space. The proposal is to add 9375 square feet of warehouse space and basically it means it is the ultimate build out of this site. This will utilize almost all, if not all of the additional space on this land. It's encumbered by a lot of buffer areas to the north and to the west as well as storm water detention areas. It is serviced by MDC sewer and water. The curb cut, the access is going to remain the same spot. We are going to be redoing all of the pavement, adding some parking spaces along here, reconfiguring this area. Currently truck loading comes in, in the location of the dark brown where the proposed building is going to go, and it's going to be changed to this location here. They only have really two loading docks that are required, and then we are going to reconfigure the parking area in this area. Existing there's 88 parking spaces for this existing building and the same 17,000 square foot office and 7,000 warehouse adding the 9375 square feet, they require 105 spaces, we are proposing 112. The reason for the additional spaces is they have regional meetings. They have grown to the point where they have ten facilities; they have weekly, bi-weekly meetings where they have managers from the other facilities, so you know, for a day or so here and there, they have an influx of cars. This will be able to accommodate them when that happens. Having said that, I think the basic application is within the Industrial Park regulations and it's within the PD Zone. It's an expansion of an existing use and existing business and if you have any questions, I'd be happy to answer them.

Chairman Pruet: Thank you. Staff comments, Ed?

Ed Meehan: Thank you. Commission members have a brief staff report on the table in front of them. As explained, the additional 9000 square foot warehouse will displace an area now

which is black top and used for loading. To accommodate that additional space and the requirements for additional employees, the proposal to add about 16,000 square feet of new pavement, impervious surface to the west and bring up the parking which complies with your zoning regulations. The Newington Business Park regulation standards for set back are more restrictive than the set back yard standards for site plan for the PD Zone. At this location, parking has to be a minimum of fifty feet from the westerly property which is Seven Cities Condos, the residential property. The proposed warehouse is sixty-seven feet from that westerly boundary. The actual warehouse addition builds out to 93,100 square feet, it has to be at least one hundred feet from the westerly property line, it's set at 128 feet, so it meets those two Newington Business Park standards. As Mr. Bongiovanni said, the Development Commission approved it on May 4th, and they notified Ed Curley of Hudson Home Health Care of their decision. The other thing that is different with this parcel, two items, when the park was designed the master plan for the park established an environmental planting of a buffer along the Seven Cities Condo property, there is a stand of evergreens along that property that are now mature and won't be disturbed by this addition, and also a six foot chain line fence in that area that will be undisturbed. The second item is the site storm water management, 16,000 square feet is a significant amount of impervious surface but this property has a retention basin along its northerly side which for this property has been built out as well as three or four other pieces at the northerly end of Rockwell Road. The storm water runoff from this property, streets from the south and other properties across the cul-de-sac all flow through this system into a retention basin and then out to Richard Street, eventually ending up in Rock Hole Brook. They don't flow south to Pane Road and the basin in front of Stew Leonard's, so those items are covered in this design and the storm drainage has been determined adequate by the Town Engineer.

Chairman Pruet: Thank you. Okay, Commissioner comments?

Commissioner Pane: Mr. Chairman, it appears that there is not much of an evergreen buffer behind 135 and 145, the houses there. I know that there is substantial brush there, but there is not much of an evergreen buffer.

Alan Bongiovanni: In this area here?

Commissioner Pane: Yeah, that 135 and 145, those two houses there, yes.

Alan Bongiovanni: As the Planner said, there was as part of the Industrial Park plan, evergreens that were planted, most of them are mature. If there are some that are missing, or have died, I'm sure the applicant would be happy to replace them.

Commissioner Pane: Thank you.

Chairman Pruet: Any other Commissioner comments or concerns? Okay, what is the pleasure of the Commission on this Petition?

Commissioner Camerota: We can move this to Old Business.

Chairman Pruet: Is that the consensus of the Commission? Okay, we are going to move the petition forward Mr. Bongiovanni, thank you.

Alan Bongiovanni: Thanks for your time.

B. PETITION 17-11 – 2095 Berlin Turnpike Fat & Happy Restaurant, Callahan Realty LLC owner, Mario Cournoyer 2095 Berlin Turnpike applicant, request for Site Plan Modification outside seasonal patio, B-BT Zone District.

Chairman Pruet: Will the petitioner come forward please and state your name and address for the record.

Mario Cournoyer, 9 Lofton Road, Enfield, Connecticut: We're looking to put outdoor seating on the south side of the building. Just a little background on it, we will remove the sidewalk on that side, and add pavers. It will be eighteen feet from the building, we'll change the parking lot a little bit so the parking is diagonally, and will probably add like fifty seats out there.

Chairman Pruet: Ed, staff comments on the project?

Ed Meehan: Yes. The proposed outside seating area is on the south side of the building, the area now is an existing planting bed and sidewalk for passage around that side of the building. The proposal is for eighteen by sixty-two foot area, enclosed for outside seating. The sidewalk would be pushed out about eight feet to achieve that eighteen foot wide seating area and to accommodate at least a sixteen foot travel way, with ninety degree parking spaces along the south side of the property. I think there are twelve there now. They would be angled and reduced to ten. You would lose two spaces on that side. The overall parking count for this restaurant is very high, it's 120 spaces now, they require 49, so they are well within the parking requirements even though there are two spaces lost. A couple of staff suggestions, first, on the traffic management, when you angle your parking spaces, you create a one way traffic flow, so there should be signage that directs people around the north side of the building, come out and exit on the south side, one way towards the Berlin Turnpike. There should be some signage for that, and Do Not Enter signs so people do not go the wrong way into that angled parking. The second item, there is an egress door at that corner of the restaurant, with a step down into the proposed patio area. Staff suggests that if the site plan is brought forward and designed for construction that the Building Department, and the Fire Marshal look at that egress door to make sure they are okay with the code, out to that area, the enclosed wrought iron fenced area, and also for accessibility, handicapped accessibility. I think those are really the two requirements, the traffic signage and the fire exit out to the front.

Chairman Pruet: Thank you. Commissioner comments?

Ed Meehan: Sorry, I didn't put the plans out, but there are plans behind you on the stage, and photoshopped what it would look like after.

Commissioner Hall: Not really a concern, but it is the south side, are they planning anything like awnings or anything, because that south side can get brutal, or maybe tables with umbrellas, or....

Mario Cournoyer: Tables with umbrellas.

Commissioner Hall: And I'm assuming that this gate would open, you have that first door, and then it looks as if they have a gate.

Ed Meehan: Yes, they have an egress door out to a refuge area, a safe refuge area.

Chairman Pruet: Any additional comments?

Chairman Pruett: Ed, has the staff looked at just this railing being safe enough for the people who will be in the area with cars that close to the railing. Will the railing be supported with bollards or anything? You've got angled parking, you know, an older person can get carried away, step on something, I mean, we should protect the people that are sitting in that patio. We should have staff look at that.

Ed Meehan: Maybe pilasters or stone bollards set at certain spacing to hold up.....

Mario Cournoyer: We were talking about a two foot high retaining wall.

Ed Meehan: Great, I think that was what the Commission was talking about.

Chairman Pruett: That will be in the plans?

Mario Cournoyer: Yes.

Chairman Pruett: Okay. Additional comments on this petition? Okay, what is the pleasure of the Commission?

Commissioner Camerota: I would like to make a motion that we move Petition 17-11 to Old Business so that we can vote on it tonight.

The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the Commission, with seven voting YES.

Chairman Pruett: We will vote on this tonight, sir.

VII. OLD BUSINESS

A. Possible Zone Regulation Amendments for Discussion and Drafting

Chairman Pruett: We'll discuss possible zone regulation amendments among ourselves. We previously discussed special exceptions and this is an expansion. Ed, do you have any other...

Ed Meehan: I continued to research that and I did find some interesting language in some of our neighboring town zoning regulations, Rocky Hill and Glastonbury in particular referencing the ability of their Planning and Zoning Commissions to, by special permit or special exception approve, it looks like they can approve the expansion of non-conforming uses as long as they don't make them more non-conforming, but I need to make sure that this doesn't mean expansion within the existing walls. That's normally the language. I think you can read some of their language either way, that you can build out the existing walls to the setback line, which is standard in any zone, whether it is non-conforming or not, so I need some more time on this.

Chairman Pruett: So basically what you are saying is that you can't really expand the existing footprint of the building but somehow there's another way that the lines can be....

Ed Meehan: I think the way that it is interpreted, I'll check with the ZEO, over there and in Wethersfield, the Town Planner, if a side yard is non-conforming because the building walls are over the side yard setback, and the building wishes to expand, they could expand in another direction as long as the other direction stays behind the other side yard set back. So

you build within the building envelope, you can't make it more non-conforming by going further outside the building line. I think that's what they are saying.

Chairman Pruet: So you will continue to research, any other Commissioner comments on this? Ed will continue to research that. Any other comments on the zoning regulations?

Commissioner Anest: Commissioner Camerota stated that the signs in the windows.....

Ed Meehan: That might be appropriate in another section. Maybe it should be regulated under the square footage standards for each building, so we would take wall signs and pylon and determine what the maximum is and if we try to apply that to window signs, it's going to be somewhat hard to keep track of because they put them up and take them down, put them up and take them down, it's paper or cardboard or whatever.

Chairman Pruet: Maybe you could check that too Ed, and see what some surrounding towns have on that?

Ed Meehan: I know that it is an issue with our Police Department. They can't see inside the store, I mean, I don't know why merchants do that.

Chairman Pruet: Okay, if you can continue research on that too, I think the Commission would appreciate that.

Petition 17-11
2095 Berlin Turnpike
Fat and Happy Restaurant
Site Plan Modification Seasonal Outside Patio Area

Commissioner Camerota moved that Petition 17-11 – 2095 Berlin Turnpike Fat & Happy Restaurant, Callahan Realty LLC owner, Mario Cournoyer 2095 Berlin Turnpike applicant, request for Site Plan Modification outside seasonal patio, B-BT Zone District be approved for an 18' by 62' enclosed seating area adjacent to the south side of the building as shown on the layout prepared by Butler Company, April 21, 2011, Scale 1"=10'.

The approval is based on the following:

1. Realignment of south side parking from 90 degree to 60 degree angle spaces.
2. Placement of traffic control signage directing vehicles to travel one way around the rear of the restaurant, north to south and a "do not enter" sign at new 16 foot travel lane.
3. Building Department review and approval for accessibility and egress from restaurant and patio area.

The motion was seconded by Commissioner Anest.

Chairman Pruet: Discussion? I think we should add about the two foot retaining, can you read that, what we discussed before, Ed about the two feet of retaining wall?

Ed Meehan: A two foot stone retaining wall along the edge of the patio.

Chairman Pruet: Okay, we have a motion and discussion to add Item #4, add a two foot retaining wall to the perimeter of the patio area. Is there further discussion of the motion?

The vote was unanimously in favor of the motion, with seven voting YES.

VIII. **PETITIONS FOR SCHEDULING** (TPZ May 25, 2011 and June 8, 2011.)

- A. Petition 09-11 – Toll Brothers, Inc. 53 Church Hill Road Newtown, CT 06460 applicant, Marcap LLC owner request Zone Map Amendment from CD Commercial Development District) to R-12 (Residential Use District for a 28.5 acre parcel adjacent to East Cedar Street Assessor Map 11-335.00A. Public Hearing set for May 25, 2011.
- B. Petition 12-11 – Toll Brothers, 53 Church Hill Road Newtown, CT 06460 applicant, Balf Company owner request approval for open space subdivision development, 71 lots single family homes, 73.7 acres for property north of Old Highway and west of Russell Road, Assessor's Map Block Lot No. 11/329/000 Residential Zone District. Public Hearing set for May 25, 2011.
- C. Petition 13-11 – Toll Brothers, 53 Church Hill Road Newtown, CT 06460 applicant, Balf Company owner request for Special Permit Section 6.8 Zoning Regulations for open space subdivision, 71 lots single family homes 73.7 acres for property north of Old Highway and west of Russell Road, Assessor's Map Block Lot No. 11/329/000 R-20 Residential Zone District. Public Hearing set for May 25, 2011.
- D. Petition 16-11 – 2553 Berlin Turnpike, Holiday Inn Express site, Newington Hotel Partners, LLC owner, Arnco Sign Company, Inc. 1133 Broad Street Wallingford, CT 06492, attention Marc Cohen request for Special Exception Section 6.2.4 pylon sign, B-BT Zone District. Schedule for Public Hearing June 22, 2011.

Chairman Pruet: Petitions for Scheduling Ed, any changes to that?

Ed Meehan: To summarize, Petition 09-11, 12-11 and 13-11 are Toll Brothers project for the Cedar Mountain area, Marcap and the subdivision application. The ad has been placed in the New Britain Herald and we are also going to use the Town Crier, suggested by a resident, we'll try that and found out that the Crier is actually owned by the Herald, published by the Herald so our legal ads will be coordinated. Carol suggested that we also put the plans on file at the library, a very good suggestion and we will make residents aware of that on the web page when that goes up this week. Plans are at the Town Clerk's office and downstairs at the Engineering Office and the referrals have been made to Capital Region Council of Governments and the Town of Wethersfield. So procedurally we are ready to go on the 25th. I was discussing with the Town Engineer the process the Inland Wetlands agency would follow. They start their hearing on this May 17th. They will be discussing the request to consider inviting the Eastern Connecticut Environmental Review Team to make an assessment of the property. That requires the property owner's permission, to go on the land. Whether that happens or not depends on the availability of the various team members and how fast they can get a report back. Usually it takes two to three months, we have to be cognizant of that to coordinate public hearing process, so the report should come in within the body of the public hearing. The other thing I would like to keep in mind, may want to talk about this on the 25th with the applicant, and what the Wetlands Agency does, I would recommend a site walk at least for the proposed subdivision and if that is the will of your body, maybe that should be coordinated with Inland Wetlands so we can go there together, and if that is the will of both agencies, we would need some lead time to give the applicant's engineers a chance to do some staking of the proposed center line of the road so we can get a lay of the land. I will keep you abreast of that, and how that can be handled by the public hearing.

Chairman Pruett: Okay, Petition 16-11, how is that progressing, Holiday Inn Express, how is that shaping up?

Ed Meehan: They are working seems like, day on, day off inside, still a lot of interior work that is not done. Outside some of the landscaping looks like it didn't make it through the winter, several trees that are not in good shape. They haven't asked for any certificate of occupancy, temporary or otherwise, so when this petition came in I put it on your agenda, pushed it off to the end of June first, because there is no real urgency for it, and secondly give the Commission time to go through the Cedar Mountain project. I talked to the sign company, they don't mind putting it off either.

IX. REMARKS BY COMMISSIONERS

Commissioner Aieta: I noticed on the way in here, they made a cul-de-sac to the parking lot. It would have been better served if they had spent that money on the vacant lot next to the library, make that a parking area. I understand that that is their future expansion area, but they aren't expanding next week.

Commissioner Lenares: Where is that cul-de-sac, Mill Street?

Commissioner Aieta: Right next to the library, the vacant lot.

Commissioner Lenares: No, the cul-de-sac.

Commissioner Aieta: Right here in the parking lot that you parked in tonight. It cuts from the cul-de-sac from the end of whatever the name of the street, Mill Street, they made a cut through from the end of the cul-de-sac to the parking area.

Commissioner Hall: So if you go up Mill Street, they made a cut through into the parking lot from Mill Street?

Commissioner Aieta: Right.

Ed Meehan: The reason that they did that, what was happening since Mill Street was closed off of Cedar as a dead end, and people would drive up there, and the last guy up didn't have a parking space, and they would constantly start to back down, they would back down a hundred, hundred fifty feet to the little circle in front of the upper parking lot, and try to maneuver around that, and a lot of people are walking back and forth so it's a pedestrian hazard as well as a traffic hazard. This interim driveway that Commissioner Aieta is referring to is an attempt to have some relief to the outlet of the parking area, so people can circulate through and come back to the upper parking lot and go back out, not having to back out. It's not a very expensive change, a slight grade had to be adjusted. The other observation about a supplemental parking lot is certainly something that the administration and staff has talked about. We have a design. You don't need that whole lot as a parking lot, you can leave a footprint for the future, the parking lot could be enlarged and connected to the existing lot on Garfield Street. The issue over there is, there used to be a couple of houses, and it is wet, a high water table, so storm drainage has to be addressed. We had talked about trying to put millings in, for the interim and it was felt that it would be too unsafe because it is uneven and so forth but we have a plan to expand it, as well as take care of the drainage and lighting. It may be something that we can coordinate with the library. It's owned by I think, by the trust, not by the Town, so I'm not sure of the arrangement between parties, but parking is at a premium in the upper lot and the more patrons that we can have, who use the library on the easterly side of Mill Street the better, it frees up space for the Town Hall and people aren't

crossing the street. One of your recommendations in the Plan of Conservation and Development was for community improvements here.

Chairman Pruet: Any continuing thought process about putting some millings or....

Ed Meehan: Well, the millings I think were looked at, and said, if we are going to do it, let's do it correctly, take out the mud, take care of the water problem, and fill as required. It is not a CIP, Capital Improvement Project that I know of right now.

Commissioner Hall: With this new configuration, and after the meeting I will take a look at it, but do they plan on putting down any arrows, because if they come in that way, and if I understand that parking lot, when you come in, off Mill Street, you are supposed to take a right and head north, and then go around the parking. That is really not two way.

Ed Meehan: Yes, there will be pavement markings and normal traffic control markings. It's not open yet, it's just in a binder course, so they have some more pavement and curbing to do and then they have to do all of the markings.

Commissioner Hall: Otherwise people are going to come in there and head down the first driveway, you have to be careful about that.

Ed Meehan: People don't follow the directions in the upper lot, they short cut over. If we change the configuration to angle parking, we force people to go one way, we would lose ten to twelve spaces in the upper lot.

Commissioner Hall: That's a lot.

Chairman Pruet: So is traffic going to back out and come back the other way? Or is traffic going to go through that easement and

Ed Meehan: No, we are going to ask people to back out and go out this new driveway and do a three sixty back, we don't want people backing up there.

Commissioner Aieta: The real solution here, they should open up Mill Street to Cedar Street. That closing was supposed to be a temporary situation when they closed it off. Now they had the opportunity to open up that street. We have all these band aids on massive wounds and they aren't working.

Chairman Pruet: Okay, how is the program going with the school over here?

Ed Meehan: They have crews working both in the east wing for the Board of Ed and a second crew downstairs in the former Police Department for the Building, Planning and Engineering. It's moving along pretty good. I haven't been up to that side of the building very much, but I noticed they are working in Conference Room 3, you are going to get Conference Room 3 back, and they are putting in a second egress door out the back of that Conference Room three right now, so that room will be back and available for the various boards and organizations that use that room. I believe the schedule is still for August.

Chairman Pruet: Any new inquiries about anyone new coming to town?

Ed Meehan: Not right now.

X. STAFF REPORT

Ed Meehan: We will be sending out invitations for the Economic Development Commission who is going to have their annual breakfast meeting at Indian Hill Country Club on May 26th, it's a Thursday morning at 7:45 and the invitations will go out early next week.

XI. PUBLIC PARTICIPATION

(For items not listed on the agenda)

None

XII. CLOSING REMARKS BY CHAIRMAN

Chairman Pruett: I have no real remarks but it was a positive meeting. We do have some items coming up that will be very interesting and we'll look forward to them.

XIII. ADJOURNMENT

Commissioner Pane moved to adjourn the meeting. The motion was seconded by Commissioner Lenares. The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary